

SENATE BILL NO. 417

INTRODUCED BY A. CURTISS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE GOVERNOR TO PETITION THE U.S. GOVERNMENT FOR RULES RELATED TO INVENTORIED ROADLESS AREAS IN NATIONAL FORESTS IF ALLOWED BY FEDERAL REGULATIONS; REQUIRING SPECIFIC CONSIDERATIONS FOR A PETITION; AND REQUIRING LOCAL INVOLVEMENT."

WHEREAS, a federal roadless rule promulgated in 2001 and contained in 36 CFR, part 294 has been the subject of several lawsuits and the U.S. District Court in Wyoming permanently enjoined the rule; and

WHEREAS, the rule was developed without substantive consultation with the states, resulting in designated "roadless" areas containing campgrounds, gas stations, boat launches, rights-of-way to private lands, and hosts of other established roads and even Forest Service recreational sites; and

WHEREAS, the lack of knowledge of local conditions in the implementation of the rule resulted in an untenable patchwork of land use that denied access to private property as well as public access to areas used for hunting, fishing, hiking, snowmobiling, firewood gathering, and sightseeing; and

WHEREAS, currently proposed changes to federal roadless regulations, printed in Volume 69 of the Federal Register beginning on page 42636, would allow for state petitions to be considered in the management of inventoried roadless areas; and

WHEREAS, it is of critical importance to Montanans that flawed boundaries of inventoried roadless areas be replaced with land allocations and management requirements that reflect accurate conditions and decisions reflected in forest plans; and

WHEREAS, the forest health crisis on federal lands requires that on-the-ground managers have forest plans that guide projects and programs to restore and maintain forest health and provide for appropriate multiple uses of the national forests;

WHEREAS, the selection of inventoried roadless areas should reflect the social attitudes and economic concerns of Montana citizens, particularly those who live near and depend upon national forests for their work, lifestyles, and recreation; and

WHEREAS, the involvement of Montanans in the petition process negates the need for a national

1 advisory council.

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3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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5 NEW SECTION. **Section 1. State petition for inventoried roadless area management --**
6 **requirements.** (1) If federal regulations allow, the governor shall petition the U.S. secretary of agriculture to
7 promulgate regulations establishing management requirements for the national forest system inventoried
8 roadless area within Montana.

9 (2) At the time the governor embarks on fulfilling the requirements of this section, the governor shall
10 notify the U.S. secretary of agriculture, the Montana congressional delegation, the chief of the U.S. forest
11 service, and the presiding officers of the U.S. house and U.S. senate natural resources committees of the intent
12 to file a petition.

13 (3) In drafting the petition, the governor shall:

- 14 (a) solicit input from professional foresters;
15 (b) consider past catastrophic fires and future wildfire risks;
16 (c) review prior roadless area designations for legitimacy;
17 (d) consider the need for access to state land and private land;
18 (e) consider local conditions for each proposed roadless area;
19 (f) consider social and economic impacts of each proposal;
20 (g) document the gain or loss in access to national forest land for each proposal; and
21 (h) consider the value of existing roads as they relate to sustaining forest health and providing access
22 for emergency responses.

23 (4) The governor shall solicit from the county commissioners and state legislators for each county that
24 may be affected by the proposal information that addresses each of the requirements of subsection (3).

25 (5) The governor shall incorporate information solicited pursuant to subsection (4) into the state petition
26 for the secretary of agriculture to consider in the federal rulemaking process.

27 (6) The governor shall issue a report documenting the consideration given to local concerns raised
28 during the petition process.

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30 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [section 1].

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